

**From:** [Payne, James \(Jim\)](#)  
**To:** [Bradley Campbell](#)  
**Cc:** [tirwin@CLF.org](#); [Dierker, Carl](#); [Fugh, Justina](#)  
**Subject:** RE: Exigent Issue / Follow-up  
**Date:** Monday, March 29, 2021 3:55:10 PM

---

Hi. I'm available to confer. Jim Payne, 202-672-3727 cell

---

**From:** Bradley Campbell <[bcampbell@clf.org](mailto:bcampbell@clf.org)>  
**Sent:** Monday, March 29, 2021 2:28 PM  
**To:** Hoffer, Melissa <[Hoffer.Melissa@epa.gov](mailto:Hoffer.Melissa@epa.gov)>  
**Cc:** [tirwin@CLF.org](#); Payne, James (Jim) <[payne.james@epa.gov](mailto:payne.james@epa.gov)>  
**Subject:** Re: Exigent Issue / Follow-up

Thank you, Melissa. We are happy to waive the conflict and happy to follow up with Jim.

Sent from my iPad

On Mar 29, 2021, at 14:18, Hoffer, Melissa <[Hoffer.Melissa@epa.gov](mailto:Hoffer.Melissa@epa.gov)> wrote:

CAUTION: Email from outside CLF.

Hi Brad and Tom,

As Tom may recall, I worked extensively on the Merrimack NPDES while I was employed by CLF. Having reviewed the applicable NH ethical requirements, I am conflicted from this matter absent a waiver from CLF.

In the interest of time, I have copied here my colleague Jim Payne would can follow up with you directly.

Thanks,  
Melissa

Sent from my iPhone

On Mar 25, 2021, at 3:09 PM, Bradley Campbell <[bcampbell@clf.org](mailto:bcampbell@clf.org)> wrote:

Dear Melissa:

Congratulations on your new post — what a godsend for environmental protection. And thank you for your timely response to my call.

You probably have some recollection of Merrimack Station in New Hampshire, one of the two coal plants left in New England. Merrimack still uses once-through cooling, and late in the Obama Administration Region 1 issued a draft permit that would have required cooling towers to avert the significant harm the plant's discharges are causing to the Merrimack River and its living resources. The cost of the towers is almost certainly prohibitive for continued operation of the plant.

EPA staff have indicated that Region I has apparently made the decision *not* to revisit/revise the Trump EPA's decision in the Merrimack Station NPDES permit to not require cooling towers (though it's considering a minor amendment related to leachate). Notably, Eversource divested the plant while the Obama draft permit was pending, so EPA's retreat from cooling tower requirement would essentially create a windfall with the new owner at the expense of the river and its living resources. **We have been told the final permit will issue soon.**

I think it would be unfortunate if the Biden Administration were to retreat from the position struck by the Obama EPA and give new life to this coal plant, and I'd hate to have our first advocacy concerning a Biden Administration permit decision be at all negative .

We would love to make the case to you or the appropriate EPA official that the anticipated decision to adopt the Trump Administration's position on cooling towers would be arbitrary, capricious, and contrary to law. Feel free to call me for TOM for additional information.

[N.B. CLF and Sierra Club have a pending Clean Water Act citizen suit (EPA is not a party) to address the plant's violations of its current permit]

Brad

**Bradley M. Campbell**  
President  
Conservation Law Foundation

62 Summer Street  
Boston, MA 02110

**P:** 617-850-1786  
**M:** 609-273-3483  
**E:** [bcampbell@clf.org](mailto:bcampbell@clf.org)

For a thriving New England



[Facebook](#) | [Twitter](#) | [LinkedIn](#)

#### CONFIDENTIALITY NOTICE

This e-mail message from Conservation Law Foundation is intended only for the individual to which it is addressed. This e-mail may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail by accident, please notify the sender immediately and destroy this e-mail and all copies of it.